

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the
Southern District of Texas
McAllen Division

APR 13 2019

David J. Bradley, Clerk

United States of America
v.
Francisco Javier CELEDON-Cerda
YOB: 1985 COC: MexicoCase No. M-19-0829-MDefendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 12, 2019 in the county of Hidalgo in the Southern District of
Texas, the defendant violated 18 U. S. C. § 922(g)(5)(A)
an offense described as follows:Unlawful possession of a firearm or ammunition, in and affecting interstate and foreign commerce, by an alien
unlawfully present in the United States; To Wit; 10,000 rounds of Barnaul 7.62x39mm ammunition.

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet/S/ Michael VenegasComplainant's signatureMichael Venegas, HSI Task Force OfficerPrinted name and titleSubmitted by reliable electronic means, sworn to and attested to electronically per Fed. R. Cr. P. 4.1, and probable cause
found onDate: April 13, 2019 9:30 a.m.City and state: McAllen, TexasPeter E OrmsbyJudge's signaturePeter Ormsby, U.S. Magistrate JudgePrinted name and title

Attachment A

The facts establishing the foregoing issuance of a criminal complaint are based on the following:

1. I Michael Venegas, am a Task Force Officer with Department of Homeland Security, Homeland Security Investigations (HSI). I have been a law enforcement officer since October 14, 2007. My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who, being an alien and has not been admitted to the United States legally to possess a firearm or ammunition.
2. On April 12, 2019, HSI Special Agents (SAs) and Task Force Officers (TFOs), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) SA, conducted surveillance and observed CELEDON-Cerda enter a Federal Firearm Licensed (FFL) establishment, located in McAllen, Texas. CELEDON-Cerda was in a Texas plated vehicle and began loading boxes of ammunition into a white Chevrolet Silverado.
3. Towards the end of mobile surveillance, SAs approached CELEDON-Cerda at a shopping plaza located near the intersection of 10th and Ebony. SA's proceeded to identify themselves and observed multiple boxes of ammunition in the vehicle.
4. During a field interview CELEDON-Cerda admitted to being in the United States illegally. CELEDON-Cerda was then taken into custody and transported to the McAllen HSI office for further processing and questioning.
5. CELEDON-Cerda was the sole occupant of the vehicle. 10,000 rounds of Barnaul 7.62x39mm ammunition were subsequently found with a search of the vehicle.
6. During a post arrest Miranda interview, CELEDON-Cerda admitted to knowingly possessing the ammunition.
7. HSI conducted a database query and confirmed that CELEDON-Cerda is unlawfully present in the United States. Due to CELEDON-Cerda's illegal status in the U.S., HSI determined that CELEDON-Cerda is prohibited from possessing ammunition, in violation of Title 18 United States Code 922(g)(5)(A).
8. An ATF SA firearm nexus expert examined the ammunition and determined the 7.62x39mm Barnaul ammunition was manufactured outside the state of Texas and therefore traveled in and affected interstate commerce.